

REMARKS

Claims 1-22 were pending in this application.

Claims 1, 2, 6-13, and 17-22 have been rejected.

Claims 3-5 and 14-16 have been objected to.

Claims 1 and 12 have been amended as shown above.

Claims 1-22 remain pending in this case.

Reconsideration and full allowance of Claims 1-22 are respectfully requested.

I. AMENDMENTS TO CLAIMS

The amendments to Claims 1 and 12 incorporate elements from dependent Claims 3 and 14, respectively. In particular, Claims 1 and 12 are amended to recite that a voltage divider circuit is “coupled to [a] first power supply and [a] second power supply.” Claims 3 and 14 recite that the voltage divider circuit includes a first transistor having “a gate and a drain coupled to said VDDIO output voltage [of the second power supply]” and a second transistor having “a gate coupled to said VDD output voltage [of the first power supply].”

As a result, the amendments to Claims 1 and 12 incorporate elements previously recited in dependent Claims 3 and 14. Because the amendments incorporate elements recited in dependent claims, these amendments comply with 37 C.F.R. § 1.116.

II. ALLOWABLE CLAIMS

The Applicant thanks the Examiner for the indication that Claims 3-5 and 14-16 would be

allowable if rewritten in independent form to incorporate all elements of their respective base claims and any intervening claims. Because the Applicant believes that the remaining claims in this application are also patentable, the Applicant has not rewritten Claims 3-5 and 14-16 in independent form.

III. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1, 2, 6-13, and 17-22 under 35 U.S.C. § 103(a) as being unpatentable over the Applicant's cited prior art figure 2 ("ACPA") in view of U.S. Patent No. 4,948,995 by Takahashi ("Takahashi"). This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24

U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

The *ACPA* shows a voltage divider that is coupled to only one power supply. (*Application*, *Figure 2*). The *ACPA* clearly shows that the voltage divider is not coupled to a second power supply. (*Application*, *Figure 2*). As a result, the *ACPA* fails to disclose, teach, or suggest a "voltage divider circuit" that is "coupled to [a] first power supply and [a] second power supply" as recited in Claims 1 and 12.

Similarly, *Takahashi* discloses a "disabling circuit" that includes a "level detecting circuit" and a "complementary inverter circuit." (*Abstract*). Both are connected to a single power source through a power switch. (*Figure 3*). The Office Action asserts that the level detecting circuit of *Takahashi* anticipates a "voltage divider" as recited in Claims 1 and 12.

(*Office Action, Page 2, Section 2*). However, *Takahashi* clearly shows that the level detecting circuit is coupled to a single power supply. *Takahashi* lacks any mention of a level detecting circuit that is coupled to multiple power supplies. As a result, *Takahashi* fails to disclose, teach, or suggest a “voltage divider circuit” that is “coupled to [a] first power supply and [a] second power supply” as recited in Claims 1 and 12.

For these reasons, the Office Action fails to establish a *prima facie* case of obviousness against Claims 1 and 12 (and their dependent claims). Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejection and full allowance of Claims 1, 2, 6-13, and 17-22.

IV. CONCLUSION

For the reasons given above, the Applicant respectfully requests reconsideration and full allowance of all pending claims and that this application be passed to issue.

SUMMARY

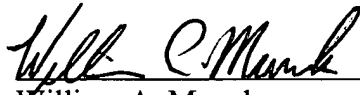
If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

No fees are believed to be necessary. However, in the event that any fees (including any extension of time fees) are required for the prosecution of this application, please charge any necessary fees to Davis Munck, P.C. Deposit Account No. 50-0208.

Respectfully submitted,

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